

### **REMARKS/ARGUMENTS**

In the Office Action mailed August 12, 2009, claims 11-17 have been withdrawn from consideration and claims 1-10 and 18-25 stand rejected by the Examiner. As indicated by the Listing of Claims, claims 1, 8, 20 and 21 are currently amended while claim 5 has been cancelled. Claims 26-30 have been submitted for consideration. Support for these claims can be found in the specification as originally filed. Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references.

#### **CLAIM REJECTIONS – 35 USC § 112**

Claim 20 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully traverses this rejection.

Claim 20 has been amended accordingly and withdrawal of this rejection is respectfully requested.

#### **CLAIM REJECTIONS – 35 USC § 102**

Claims 1, 2 and 4-10 are rejected under 35 U.S.C. § 102(b), as being anticipated by Bergholz (US Patent 4,479,621 A). Applicant respectfully traverses this rejection.

Claim 1 has been amended to recite the features of original claim 5. Accordingly, Applicant respectfully submits that Bergholz explicitly teaches a transfer of longitudinal forces from the floor plates 12 to the fuselage outer structure via the rod 21 which is the opposite of the features recited in claim 5. See, for example, column 4, lines 18-21. Moreover, in viewing Figures 9 and 10 of Bergholz, it is readily apparent that the

longitudinal forces are transferred from the floor plates 12 to the stringers 17 of Bergholz. Accordingly, in light of the aforementioned comments and remarks, Applicant respectfully submits that Bergholz fails to disclose the features of claim 1.

Claims 4 and 6-10 depend from claim 1 and are believed allowable for at least the reasons discussed above.

In light of the aforementioned comments, withdrawal of this rejection is respectfully requested

Claims 20-23 are rejected under 35 U.S.C. § 102(e), as being anticipated by Vetillard et al. (US Patent 7,475,850 B2). Applicant respectfully traverses this rejection.

Claims 20-23 have been rejected with reference to Vetillard *et al.* under 35 U.S.C. 102(e). To Applicant's knowledge, the § 102(e) date for the Vetillard *et al.* reference is June 3, 2005. Applicant respectfully submits that the § 102(e) date for the Vetillard *et al.* reference thus postdates the filing date of the present application which is a national stage application of a PCT application, having a filing date of July 15th, 2004. Moreover, Applicant notes that each of the priorities claimed by the present application predate the 102(e) date of the Vetillard *et al.* reference. Accordingly, Applicant thus believes that Vetillard *et al.* has been inappropriately asserted against the present application.

If Applicant's understanding is incorrect or priority not perfected, please indicate so as Applicant will take the necessary steps to do so. However Applicant notes the confirmation that priority documents have been received as referenced by the Office Action.

### CLAIM REJECTIONS – 35 USC § 103

Claim 3 is rejected under 35 U.S.C. § 103(a), as being unpatentable over Bergholz (US Patent 4,479,621 A). Applicant respectfully traverses this rejection.

Claim 3 depends from claim 1 and as previously discussed in connection with the 102 rejection, Bergholz fails to disclose the features of claim 1 as it explicitly teaches a transfer of longitudinal forces from the floor plates 12 to the fuselage outer structure via the rod 21 which is the opposite of the features recited in claim 5. See, for example, column 4, lines 18-21. Moreover, in viewing Figures 9 and 10 of Bergholz, it is readily apparent that the longitudinal forces are transferred from the floor plates 12 to the stringers 17 of Bergholz.

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 18, 19, 24 and 25 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Vetillard *et al.* (US Patent 7,475,850 B2) in view of Begholz.

Vetillard *et al.* does not disclose the floor module being mounted on top of the longitudinal beam. In bridging this gap between Vetillard *et al.* and the subject matter of claim 18, the Examiner refers to Bergholz as teaching a cargo deck comprising a floor module (element 12 including additional elements 20 and 46 as shown in Fig. 8), wherein the floor module is mounted in the aircraft such that the first end [of the floor module] rests on an upward-facing surface (surface of element 24 shown in Fig. 8) of the longitudinal beam.

Begholz fails to remedy the aforementioned deficiencies in Vetillard. The Examiner asserts Bergholz as teaching a cargo deck comprising a floor module (element 12 including additional elements 20 and 46 as shown in Fig. 8), wherein

the floor module is mounted in the aircraft such that the first end [of the floor module] rests on an upward-facing surface (surface of element 24 shown in Fig. 8) of the longitudinal beam.

The claims recite at least one transverse beam that spans across an interior width of said fuselage in a direction substantially perpendicular to a longitudinal direction of said aircraft and to underline that a first end of the transverse beam rests on an upward- facing surface of the longitudinal beam.

While Vetillard *et al.* teaches such transverse beams, Vetillard *et al.* teaches the use of articulations 66 for mounting the floor cross-beams 16 to the fuselage frame in a manner that provides a degree of freedom between these two elements (cf. col. 6, lines 45-67).

Accordingly a prima facie case for obviousness has not been submitted and therefore withdrawal of this rejection is respectfully requested.

Tuning to the newly submitted claims, claim 28 depends from claim 18. Claim 18 was rejected as being unpatentable over Vetillard *et al.* in view of Bergholz. In this respect, the Examiner asserts that Vetillard *et al.* does not disclose the floor module being mounted on top of the longitudinal beam. In bridging this gap between Vetillard *et al.* and the subject matter of claim 18, the Examiner refers to Bergholz as teaching a cargo deck comprising a floor module (element 12 including additional elements 20 and 46 as shown in Fig. 8), wherein the floor module is mounted in the aircraft such that the first end [of the floor module] rests on an upward-facing surface (surface of element 24 shown in Fig. 8) of the longitudinal beam.

Claim 28 recites at least one transverse beam that spans across an interior width of said fuselage in a direction substantially perpendicular to a longitudinal direction of said aircraft and to underline that a first end of the transverse beam rests on an upward-facing surface of the longitudinal beam.

While Vetillard *et al.* teaches such transverse beams, Vetillard *et al.* teaches the use of articulations 66 for mounting the floor cross-beams 16 to the fuselage frame in a manner that provides a degree of freedom between these two elements (cf. col. 6, lines 45-67).

Accordingly, a combination of Vetillard *et al.* and Bergholz does not lead to the subject matter of claim 28.

Turning now to new claim 30 it depends from claim 20. Claim 20 has been rejected as being anticipated by Vetillard *et al.* Claim 30 recites that the transverse support element comprises at least one supporting portion that extends to a bottom portion of said aircraft. Vetillard *et al.* does not teach or suggest such a feature. Nor does Bergholz teach a transverse support element comprising such a supporting portion. The vertical structural members 15 of Bergholz are separate from the floor plates 12 of Bergholz.

Regarding claim 30 the above set forth remarks with respect to claim 28 similarly apply.

### **CONCLUSION**


Entry of the Amendment after Final Rejection is requested. The Amendment is believed to overcome the pending rejections. No new matter is added and no new issues are believed to be raised.

A petition for a one-month extension of time is submitted concurrently herewith. Please charge the one-month extension fee of \$130.00 to deposit account no. 50-2036 with reference to our Docket No. 59482.21880. Any additional fee believed necessary for the consideration of this response and to prevent abandonment of this application is hereby authorized to be charged to deposit account no. 50-2036.

In view of the foregoing remarks, Applicants respectfully request that all the objections and rejections to the claims be removed and that the claims pass to allowance. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-861-1714 in an effort to resolve any matter still outstanding before issuing another action. The undersigned Attorney is confident that any issue which might remain can readily be worked out by telephone.

Respectfully submitted,

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